

We haven't had a terrorist attack in 7½ years because of their intelligence capability, and because they've done their job. And they have been hurt, severely, by the accusations leveled by the Speaker of the House, and she is not willing to prove that.

Today we introduced a resolution to investigate this, and every Democrat in the House voted against it. I think it's tragic.

This country is at war with the terrorists. We need to do everything we can to protect our intelligence agencies. And if she said they lied, then she has to prove it.

#### COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 21, 2009.

Hon. NANCY PELOSI,  
Speaker, U.S. Capitol,  
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), I am pleased to reappoint Admiral William O. Studeman of Great Falls, Virginia to the Public Interest Declassification Board.

Our previous appointee, the Honorable David Skaggs, intends to resign effective June 5, 2009. His initial appointment was made because of the change in Congress and the presumed statutory intent of the Board with the understanding that he would resign at the end of his term.

Admiral Studeman has expressed interest in reappointment and as such, I am pleased to do so.

Sincerely,

JOHN A. BOEHNER,  
Republican Leader.

#### AGREEMENT WITH UNITED ARAB EMIRATES CONCERNING PEACE- FUL USES OF NUCLEAR EN- ERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-43)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an

unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement provides a comprehensive framework for peaceful nuclear cooperation with the United Arab Emirates (UAE) based on a mutual commitment to nuclear nonproliferation. The United States and the UAE are entering into it in the context of a stated intention by the UAE to rely on existing international markets for nuclear fuel services as an alternative to the pursuit of enrichment and reprocessing. Article 7 will transform this UAE policy into a legally binding obligation from the UAE to the United States upon entry into force of the Agreement. Article 13 provides, inter alia, that if the UAE at any time following entry into force of the Agreement materially violates Article 7, the United States will have a right to cease further cooperation under the Agreement, require the return of items subject to the Agreement, and terminate the Agreement by giving 90 days written notice. In view of these and other nonproliferation features, the Agreement has the potential to serve as a model for other countries in the region that wish to pursue responsible nuclear energy development.

The Agreement has a term of 30 years and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

In addition to the UAE's obligation to forgo enrichment and reprocessing—the first instance of such an obligation on the part of a U.S. cooperating partner in an agreement of this type—the Agreement contains certain additional

nonproliferation features not typically found in such agreements. These are modeled on similar provisions in the 1981 U.S.-Egypt Agreement for Peaceful Nuclear Cooperation and include (a) a right of the United States to require the removal of special fissionable material subject to the Agreement from the UAE either to the United States or to a third country if exceptional circumstances of concern from a nonproliferation standpoint so require, and (b) confirmation by the United States that the fields of cooperation, terms, and conditions accorded by the United States to the UAE shall be no less favorable in scope and effect than those that the United States may accord to any other non-nuclear-weapon State in the Middle East in a peaceful nuclear cooperation agreement. The Agreement also provides, for the first time in a U.S. agreement for peaceful nuclear cooperation, that prior to U.S. licensing of exports of nuclear material, equipment, components, or technology pursuant to the Agreement, the UAE shall bring into force the Additional Protocol to its safeguards agreement.

The UAE is a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The United States is a nuclear-weapon State party to the NPT. Article 12 of the proposed Agreement provides that the Agreement shall not be interpreted as affecting the inalienable rights of the United States and the UAE under the NPT. A more detailed discussion of the UAE's intended civil nuclear program and its nonproliferation policies and practices is provided in the NPAS and in a classified Annex to the NPAS to be submitted to the Congress separately.

The Agreed Minute to the Agreement provides U.S. prior approval for retransfers by the UAE of irradiated nuclear material subject to the Agreement to France and the United Kingdom, if consistent with their respective policies, laws, and regulations, for storage or reprocessing subject to specified conditions, including that prior agreement between the United States and the UAE is required for the transfer of any special fissionable material recovered from any such reprocessing to the UAE. The transferred material would also have to be held within the European Atomic Energy Community subject to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM).

In view of the fact that this consent would constitute a subsequent arrangement under the Act if agreed separately from the proposed Agreement, the Secretary of State and the Secretary of Energy have ensured that the advance approval provisions meet the applicable requirements of section 131

of the Act. Specifically, they have concluded that the U.S. advance approval for retransfer of nuclear material for reprocessing or storage contained in the Agreed Minute to the proposed Agreement is not inimical to the common defense and security. An analysis of the advance approval given in the Agreed Minute is contained in the NPAS.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

BARACK OBAMA.  
THE WHITE HOUSE, May 21, 2009.

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

### THE LONG LAMENTABLE DARKNESS OF WAR AND THE PATRIOTS WHO BRING THE MORNING LIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it's been solemnly said that "the story of America's quest for freedom is inscribed on her history in the blood of her patriots." Those comments were made by Randy Vader.

America was born of war and has always had to fight to keep liberty's light shining very bright.

Monday is Memorial Day. We honor those of the military family who went somewhere in the world, fighting for America's ideals and protecting the rest of us, but did not return home. Their blood has stained and sanctified the lands of Europe, the Middle East, Asia, the Pacific Islands, the soil of America and places known only by God.

One of those warriors was Frank Luke. Madam Speaker, you may have never heard of him, but he is just one of the 4.4 million doughboys that went over there in World War I. He's an example of the young, tenacious American warrior.

This is a photograph of him taken shortly before his death in 1918. In World War I, in September of 1918, in just 9 days of combat flying, 10 missions, and only 30 hours of flight time, Second Lieutenant Frank Luke shot down 18 enemy aircraft. Let me repeat. Eighteen enemy aircraft.

On his last patrol, though pursued by eight German planes, without hesi-

tation he attacked and shot down in flames three German aircraft, being himself under heavy fire from ground batteries and hostile planes. Severely wounded, he descended within 50 meters of the ground and, flying at this low altitude in France, opened fire on enemy troops, killing six and wounding many more. Forced to make a landing, and surrounded on all sides by the enemy, he drew his automatic pistol, defended himself gallantly until he fell dead with a wound in the chest.

Frank Luke was 20 years of age. He had been in Europe less than 30 days. He won the Congressional Medal of Honor, and he was the first aviator in United States history to win the Congressional Medal of Honor. He was one of the 116,000 doughboys who died in the War to End All Wars that did not return home.

Author Blaine Pardoe referred to him as the "terror of the autumn skies."

That was 90 years ago. It has always been the young that give their youth so we can have a future. And we should always remember every one of them, every one that died in all of America's wars.

Now we are engaged in a war in the valley of the sun and the deserts of the gun, in Iraq, and the rugged, cruel, rough mountains of Afghanistan.

My congressional district area of southeast Texas has lost 26 warriors since I have been in Congress. Here they are, Madam Speaker. You notice they represent a cross section of the United States. They are all races. They're of both sexes. They are of all ages, and they're from all branches of the service. They're from big cities like Houston, Texas, and small towns like Hull, Sabine Pass, Beach City, Humble, Groves; yet, they're all American warriors who gave their lives in combat for the United States.

I will place the names and backgrounds of these 26 from the Second Congressional District of Texas who have been killed in Iraq into the CONGRESSIONAL RECORD.

### ROLLCALL OF THE DEAD

Russell Slay, a Staff Sergeant in the U.S. Marine Corps, from Humble, TX. Russell played the guitar and he and his buddies started a band while in Iraq called the Texas Trio.

Wesley J. Canning, a Lance Corporal in the U.S. Marine Corps, from Friendswood, TX. Wesley had a quick smile, a captivating personality, and loved wearing his Marine Corps T-shirt to class his senior year of high school.

Fred Lee Maciel, a Lance Corporal in the U.S. Marine Corps, from Spring, TX. He is remembered as an athlete, a leader in the school's Naval Junior ROTC, and a role model for other students.

Wesley R. Riggs, a PFC in the U.S. Army, from Beach City, TX. Wesley liked four-wheeling and camping. He was also a member of the Houston Olympic weight lifting team.

William B. Meeuwssen, a Sergeant in the U.S. Army, from Kingwood, TX. Bill strongly believed that we all share a responsibility to serve on behalf of God and country, to protect freedoms we all cherish so deeply.

Robert A. Martinez, a Lance Corporal in the U.S. Marine Corps, from Cleveland, TX.

Robert was a baseball pitcher at Cleveland High and dreamed of getting his degree in education and becoming a baseball coach.

Jerry Michael Durbin, a Staff Sergeant in the U.S. Army, from Spring, TX. He was a gifted artist with a special talent for original cartoon characters and superheroes. He actually designed his platoon's boot camp T-shirt when he entered the Army.

Walter M. Moss Jr., a Tech. Sergeant in the U.S. Air Force, from Houston, TX. After 16 years of military service, Walter had a reputation for excellence. Even though he was in the Air Force, the Navy and Marines honored him with the Navy and Marine Corps Achievement Medal, and he was also awarded the Bronze Star with Valor and the Purple Heart.

Kristian Menchaca, a PFC in the U.S. Army, from Houston, TX. Kristian joined the United States Army with the goal of using his military experience to become a Border Patrol agent.

Benjamin D. Williams, a Staff Sergeant in the U.S. Marine Corps, from Orange, TX. Benjamin played football in high school and as soon as he graduated, he joined the United States Marine Corps.

Ryan A. Miller, a Lance Corporal in the U.S. Marine Corps, from Pearland, TX. Ryan was so committed to a future defending others, he graduated from high school early just so he could enlist into the United States Marine Corps and follow in the footsteps of Dad and Granddad.

Edward Reynolds, Jr., a Staff Sergeant in the U.S. Army, from Groves, TX. Friends knew Edward as the man that kept them out of trouble, pushing them to succeed in life.

West Point Graduate Michael Fraser, a Captain in the U.S. Army, from Houston, TX. Twice, Michael led his high school cross-country team to qualify for the Texas State cross-country meet.

Luke Yepsen, a Lance Corporal in the U.S. Marine Corps, from Kingwood, TX. He was a graduate of Kingwood High School, and he was known for his big heart and ability to live life to its fullest.

Dustin R. Donica, a Specialist in the U.S. Army, from Spring, TX. Dustin loved to joke around with his family and his friends, and he was known by many for his unique sense of humor.

Ryan R. Berg, a Specialist in the U.S. Army, from Sabine Pass, TX. Ryan knew his calling after high school was to join the United States Army. He wanted to protect his country, like he had protected those he knew and loved all his life.

Terrance D. Dunn, a Staff Sergeant in the U.S. Army, from Houston, TX. Terrance was known as "Dunnaman" to his fellow soldiers. If something needed to be done, Dunnaman did it, and it was given to him to do because they could always count on him to get the job done.

Anthony Aguirre, a Lance Corporal in the U.S. Marine Corps, from Houston, TX. During Anthony's senior year in high school, he achieved the rank of cadet captain. Even after graduation, Anthony stopped by the high school often to proudly talk with the Junior ROTC cadets about the Marines.

Brandon Bobb, a PFC in the U.S. Army, from Port Arthur, TX. Brandon thought that being a military police officer in the Army was the best job in the world.

Zachary Endsley, a PFC in the U.S. Army, from Spring, TX. Zachary enjoyed drawing and playing his guitar. He was so good at drawing he won several competitions while in high school.

Kamisha Block, a Specialist in the U.S. Army, from Vidor, TX. Friends say that Kamisha always knew where she was headed in life, that she had a big heart and genuinely wanted to help make other people's lives better.